

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

ROBERT J. MUELLER, DEEPROOT FUNDS  
LLC (a/k/a dprt Funds, LLC), AND POLICY  
SERVICES INC.,

Defendants,

-and-

DEEPROOT TECH LLC, DEEPROOT  
PINBALL LLC, DEEPROOT STUDIOS LLC,  
DEEPROOT SPORTS & ENTERTAINMENT  
LLC, DEEPROOT RE 12621 SILICON DR LLC,  
AND ROBERT J. MUELLER, JEFFREY L.  
MUELLER, AND BELINDA G. BREEN, AS CO-  
TRUSTEES OF THE MB HALE OHANA  
REVOCABLE TRUST,

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**JOINT MOTION FOR REFERRAL TO MEDIATION WITH A UNITED STATES  
MAGISTRATE JUDGE**

TO THE HONORABLE COURT:

Plaintiff Securities and Exchange Commission (“**Plaintiff**”) and Defendant Robert J. Mueller (“**Mueller**”) file this Joint Motion for Referral to Mediation with a United States Magistrate Judge, as follows:

1. The Amended Scheduling Order recently entered by the Court set a deadline for the parties to mediate this case of June 23, 2023. [ECF No. 93].

2. The parties have agreed to mediate with a United States Magistrate Judge. The parties have further agreed to mediate on June 20 or 21, 2023.

3. The parties agree that the below signed trial counsel will represent the SEC during the mediation. The parties understand that while the SEC's trial counsel can recommend a settlement, any settlement is subject to the approval of supervisory staff and the Commissioners of the Securities and Exchange Commission.

4. The parties therefore respectfully request that the Court assign a United States Magistrate Judge to serve as mediator in this dispute. The parties further request that the mediation be scheduled for either June 20 or 21, 2023, at the discretion of the appointed mediator.

Dated: May 18, 2023

Respectfully Submitted,

<p><u>/s/ Charlie Divine w/ permission</u> Kristen M. Warden Charlie Divine Trial Counsel David A. Nasse Supervisory Trial Counsel U.S. Securities and Exchange Commission 100 F Street NE Washington, DC 20549 (202) 256-7941 (Warden) (202) 551-6673 (Divine) (202) 551-4414 (Nasse) <a href="mailto:wardenk@sec.gov">wardenk@sec.gov</a> <a href="mailto:divinec@sec.gov">divinec@sec.gov</a> <a href="mailto:nassed@sec.gov">nassed@sec.gov</a>  <b><i>Counsel for Plaintiff United States Securities and Exchange Commission</i></b></p>	<p><u>/s/ Jay Hulings</u> Jason M. Davis State Bar No. 00793592 E-mail: <a href="mailto:jdavis@dslawpc.com">jdavis@dslawpc.com</a> H. Jay Hulings Texas State Bar No. 24104573 Email: <a href="mailto:jhulings@dslawpc.com">jhulings@dslawpc.com</a> 719 S. Flores Street San Antonio, Texas 78204 Tel: (210) 853-5882 Fax: (210) 200-8395  <b><i>Counsel for Defendant Robert J. Mueller</i></b></p>
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